

Remarks/Arguments

Applicants have received and carefully reviewed the Office Action of the Examiner mailed November 27, 2007. Currently, claims 1, 3, 4, 6-15, and 21-23 remain pending. Claim 23 has been objected to. Applicants gratefully acknowledge that claims 1, 3, 4, 6-15, 21 and 22 have been allowed. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 102 or 35 USC § 103

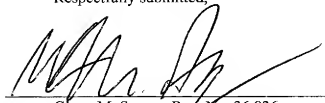
Claim 23 stands rejected under 35 USC §102 or 35 USC § 103 as anticipated by or obvious in view of Tsugita (U.S. Patent No. 6,168,579). After careful review, Applicant must respectfully traverse this rejection.

The Examiner's attention is directed to the language of claim 23 which requires the aspiration port or ports to be in the elongated shaft within which the filtration device is entirely contained as well as located proximal of the filtration device when the filtration device is entirely contained within the shaft lumen of the elongated shaft. The guiding catheter 30 of Tsugita into which the filter 20 is withdrawn does not appear to possess an aspiration port in any of the embodiments presented. The Examiner has acknowledged that the only aspiration port disclosed by Tsugita is port 54. Port 54 is not in the elongated shaft into which the filter is withdrawn and so cannot serve as the port of claim 23. Port 54 may be an aspiration port and it may be located proximally of the filter when the filter is within the guiding catheter 30, however it is not in the guiding catheter 30 and so cannot provide the missing aspiration port described in pending claim 23. Port 54 is only available for aspiration while the angioplasty balloon is extended beyond guide catheter 30. One of ordinary skill in the art would understand that the filter 20 should remain in place while the angioplasty catheter is withdrawn in order to capture any debris released during the collapse and withdrawal of the balloon 52. This may be seen in Fig. 3C in which the angioplasty balloon 52 has been withdrawn into guiding catheter 30 before the filter 20 is withdrawn into guiding catheter 30 as described at col. 8, lines 29-38. Note that the filtration device is not withdrawn into the angioplasty catheter as would be required if the port 54 were to be the aspiration port of pending claim 23.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Date: Feb. 22, 2008



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